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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/597,016	06/20/2000	Liang Hong	65187-179	6072
22504 7590 12/16/2008 DAVIS WRIGHT TREMAINE, LLP/Seattle 1201 Third Avenue, Suite 2200 SEATTLE, WA 98101-3045				
EXAMINER				
LY, NGHI H				
ART UNIT		PAPER NUMBER		
2617				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

09/597,016

**Applicant(s)**

HONG ET AL.

**Examiner**

NGHI H. LY

**Art Unit**

2617

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 September 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 and 26-31 is/are pending in the application.
- 4a) Of the above claim(s) 26-31 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 26-31 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/C)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/24/2008 has been entered.

### ***Election/Restrictions***

2. Applicant's election without traverse of Species I (claims 1-21) in the reply filed on 09/24/2008 is acknowledged.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Canada et al (US 6,301,514) in view of Harrenstien et al (US 7,085,553) and further in view of Pearson (US 6,885,862) and Jones (US 5,410,737).

Regarding claims 1 and 9, Canada teaches a polling method for use in communicating information by a wireless transceiver unit to a wireless base unit (see column 1 lines 15-23), the polling method comprising: receiving an information request message over a wireless communication channel (see column 9, lines 30-43 and column 10, lines 36-57 and column 15, lines 45-63), sending information in response to the information request message (also see column 10, lines 36-57 and column 15, lines 45-63).

Canada does not specifically disclose repeating the receiving and sending on a regular basis.

Harrenstien teaches repeating the receiving and sending on a regular basis (see column 5, lines 4-6).

Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to provide the teaching of Harrenstien into the system of Canada in order to provide a mobile-based client-server system that allows for the efficient transfer of information (see Harrenstien, column 3, lines 11-14).

The combination of Canada and Harrenstien does not specifically disclose the wireless transceiver unit and the wireless base unit configured to communicate over a wireless control channel and a wireless data traffic channel, receiving an information request message over the control channel, sending information over the control channel in response to the information request message.

Pearson teaches the wireless transceiver unit and the wireless base unit configured to communicate over a wireless control channel and a wireless data traffic

channel (see Abstract, column 3, lines 22-37, column 3, lines 48-61), receiving an information request message over the control channel (see column 5, lines 55-61), sending information over the control channel in response to the information request message (see Abstract, column 3, lines 22-61).

Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to provide the teaching of Pearson into the system of Canada and Harrenstien in order to provide non-volatile storage of a partial program within each wireless subscriber terminal so that the wireless subscriber terminal need not receive an entire program in a single session (see Pearson, Abstract).

The combination of Canada, Harrenstien and Pearson does not specifically disclose the wireless transceiver unit and the wireless base unit being configured to communicate over a wireless control channel and a voice traffic channel, the polling method comprising: sending, call record information related to usage of the voice traffic channel over the control channel in response to the information request message.

Jones teaches the wireless transceiver unit and the wireless base unit being configured to communicate over a wireless control channel and a voice traffic channel, the polling method comprising: sending, call record information related to usage of the voice traffic channel over the control channel in response to the information request message (see column 4, line 61 to column 5, line 2).

Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to provide the teaching of Jones into the system of Canada,

Harrenstien and Pearson in order to provide systems protects existing microwave users from interference (see Jones, Abstract).

5. Claims 2, 3, 5, 8, 10, 11 and 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Canada et al (US 6,301,514) in view of Harrenstien et al (US 7,085,553) and further in view of Pearson (US 6,885,862) and Jones (US 5,410,737) and further in view of Patel (US 5,315,636).

Regarding claims 2, 3, 5, 10, 11 and 14, the combination of Canada, Harrenstien, Pearson and Jones teaches claim 1. The combination of Canada, Harrenstien, Pearson and Jones does not specifically disclose polling is initiated in response to a detected problem.

Patel teaches polling is initiated in response to a detected problem (see column 3, lines 15-25 and column 10, lines 24-44).

Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to provide the teaching of Patel into the system of Canada, Harrenstien, Pearson and Jones in order to enable a caller to contact a system subscriber at any location (see Patel, column 1, lines 1-12).

Regarding claims 8 and 17, Canada further teaches the information request message comprises data indicative of a requested information type and the information sent corresponds to the requested information type (see column 9 lines 30-43).

Regarding claim 15, Canada further teaches receiving the information from each one of the wireless transceiver units at random points in time (see abstract, "the system is communicating at any given time").

Regarding claim 16, Canada further teaches sending the polling request message comprises broadcasting it for receipt by a plurality of wireless transceiver units (see column 9, lines 30-43), the polling method further comprising: receiving information from each one of the wireless transceiver units at random points in time over a shared channel (see column 14, lines 14-17, and see fig.1, link between box 6 and 8a, and link between 6 and 8c).

6. Claims 4 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Canada et al (US 6,301,514) in view of Harrenstien et al (US 7,085,553) and Pearson (US 6,885,862) and further in view of Jones (US 5,410,737) and Patel (US 5,315,636) and further in view of Davies (US 6,058,420).

Regarding claims 4 and 12, the combination of Canada, Harrenstien, Pearson and Jones teaches claims 1 and 9. The combination of Canada, Harrenstien, Pearson and Jones does not specifically disclose initiating the repeated receiving and sending in response to detecting the communication failure (see Harrenstien, column 5, lines 4-6).

Patel teaches initiating the repeated receiving and sending in response to detecting the communication failure (see column 3, lines 15-25 and column 10, lines 24-44).

Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to provide the teaching of Patel into the system of Canada, Harrenstien Pearson and Jones in order to enable a caller to contact a system subscriber at any location (see Patel, column 1, lines 1-12).

The combination of Canada, Harrenstien, Pearson Jones and Patel does not specifically disclose detecting a communication failure on traffic channel.

Davies teaches detecting a communication failure on traffic channel (see Abstract, column 6, lines 60-63, see "failure" and "absence of a response", and see column 15, lines 54-56).

Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to provide the teaching of Davies into the system of Canada, Harrenstien, Pearson, Jones and Patel in order to manage multiple customer networks and specially, to processes, apparatus, and systems used to construct management platforms consistent with Simple Network Management Protocol to manage multiple customer networks (see Davies, column 1, lines 21-27).

7. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Canada et al (US 6,301,514) in view of Harrenstien et al (US 7,085,553) and Pearson (US 6,885,862) and further in view of Jones (US 5,410,737) and Paneth et al (US 6,014,374).

Regarding claims 6 and 7, the combination of Canada, Harrenstien, Pearson and Jones teaches claim 1. The combination of Canada, Harrenstien, Pearson and Jones



does not specifically disclose delaying a random period of time prior to sending the information.

Paneth teaches delaying a random period of time prior to sending the information (see column 21, lines 59-62).

Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to provide the teaching of Paneth into the system of Canada, Harrenstien, Pearson and Jones in order to provide a system for the wireless transmission of multiple information signals utilizing digital time division circuits between a base station and subscriber stations (see Paneth, column 1, lines 20-23).

8. Claims 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Canada et al (US 6,301,514) in view of Harrenstien et al (US 7,085,553) and Pearson (US 6,885,862) and further in view of Jones (US 5,410,737) and Serikawa et al (US 6,347,092).

Regarding claim 13, the combination of Canada, Harrenstien, Pearson and Jones teaches a polling method for use in communicating information from a wireless transceiver unit to a wireless base unit (see Canada, abstract and column 1, lines 15-23), the polling method comprising: detecting that a communication failure involving a wireless transceiver unit has occurred (see Canada, column 14, lines 53-56 and column 16, lines 18-48) and initiating the repeated receiving and sending (see Harrenstien, column 5, lines 4-6).

The combination of Canada, Harrenstien, Pearson and Jones does not specifically disclose tearing down a data traffic channel after detecting the communication failure.

Serikawa teaches tearing down a data traffic channel after detecting the communication failure (see column 36, lines 49-58, see "after", and see column 19, lines 17 to column 20, lines 1. In addition, see Applicant's remarks dated 07/26/2004, page 13, lines 13-14).

Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to provide the teaching of Serikawa into the system of Canada, Harrenstien, Pearson and Jones in order to prevent collision (see Serikawa, column 36, lines 49-58).

9. Claims 18-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Canada et al (US 6,301,514) in view of Serikawa et al (US 6,347,092) and further in view of Patel (US 5,315,636) and Shimada (US 4,882,746).

Regarding claim 18, Canada teaches a polling method for use in communicating information from a wireless transceiver unit to a wireless base unit (see abstract and column 1, lines 15-23), the polling method comprising: detecting that a power failure involving a wireless transceiver unit has occurred (see column 14, lines 53-56 and column 16, lines 18-48).

Canada does not specifically disclose tearing down a data traffic channel used by the transceiver unit in response to detecting that the power failure has occurred.

Serikawa teaches tearing down a data traffic channel used by the transceiver unit in response to detecting that the power failure has occurred (column 36, lines 49-58, see "after" and see "stop". In addition, see Applicant's remarks dated 07/26/2004, page 13, lines 13-14).

Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to provide the teaching of Serikawa into the system of Canada in order to prevent collision (see Serikawa, column 36, lines 49-58).

The combination of Canada and Serikawa does not specifically disclose polling the wireless transceiver unit for information in response to detecting that the power failure has occurred.

Patel teaches polling the wireless transceiver unit for information in response to detecting that the power failure has occurred (see column 3, lines 15-25 and column 10, lines 24-44).

Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to provide the teaching of Patel into the system of Canada and Serikawa in order to rationalized the data processing by transmit the accumulated data (see Patel, column 1, lines 1-12).

The combination of Canada, Serikawa and Patel does not specifically disclose maintaining a voice traffic channel used by the wireless transceiver unit after detecting that the power failure has occurred.

Shimada teaches maintaining a voice traffic channel used by the wireless transceiver unit after detecting that the power failure has occurred (see column 12, lines

66 to column 14, line 14, see "*voice*", and see column 14, lines 13-15, see "*the transmission is maintained for a predetermined period after the turn-off of power*").

Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to provide the teaching of Shimada into the system of Canada, Serikawa and Patel so that transfer between sub-units in permitted and speech between sub-units is permitted through the master unit (see Shimada, column 1, lines 10-13).

Regarding claim 19, Canada further teaches polling comprises polling for information on a periodic basis (see column 16, lines 18-22).

Regarding claim 20, Canada further teaches polling comprises sending an information request message to the wireless transceiver unit over a control channel (see column 9, lines 30-43 and column 10, lines 45-57).

Regarding claim 21, Canada further teaches polling comprises sending an information request message (see column 9, lines 30-43) to the wireless transceiver unit and receiving information from the wireless transceiver unit, if available, in response to sending the information request message (see column 10, lines 36-44).

### ***Response to Arguments***

10. Applicant's arguments with respect to claims 1-21 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to NGHI H. LY whose telephone number is (571)272-7911. The examiner can normally be reached on 9:30am-8:00pm Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dwayne Bost can be reached on (571) 272-7023. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nghi H. Ly

/Nghi H. Ly/  
Primary Examiner, Art Unit 2617